

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAMADOU BARRY

Write the full name of each plaintiff.

19 CV 4189

No. _____
(To be filled out by Clerk's Office)

-against-

THE STATE OF NEW YORK.

"JAIME LAMANNA." "MELECIO PHIL."

"DUNCAN S. BEY Jr." "CHANTEL K. ELMORE."

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

COMPLAINT
(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

S.D. OF N.Y.

2019 MAY -8 PM 3:25

RECEIVED
SDNY PRISONER SERVICE

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

MAMADOU

BARRY

First Name

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

13 A 1084

Current Place of Detention

GREEN HAVEN CORRECTIONAL FACILITY P.O. BOX 4000

Institutional Address

STORMVILLE

NEW YORK

12582-4000

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	" THE STATE OF NEW YORK."		
	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	Current Work Address		
	County, City	State	Zip Code
Defendant 2:	JAIMÉ	LAMANNA	
	First Name	Last Name	Shield #
	SUPERINTENDENT		
	Current Job Title (or other identifying information)		
	594 Route 216		
	Current Work Address		
	STORMVILLE	New York	12582
	County, City	State	Zip Code
Defendant 3:	MELECIO	PHIL	
	First Name	Last Name	Shield #
	First deputy Superintendent.		
	Current Job Title (or other identifying information)		
	594 Route 216		
	Current Work Address		
	Stormville	New York	12582
	County, City	State	Zip Code
Defendant 4:	DUNCAN S. BEY Jr.		
	First Name	Last Name	Shield #
	Captain		
	Current Job Title (or other identifying information)		
	594 Route 216		
	Current Work Address		
	Stormville	New York	12582
	County, City	State	Zip Code

First name Last name

Defendant 5: Chantel Elmore

Current job title (other identifying information)

"Sergeant"

Current work address

594 Route 216

County, City State Zip Code

Stormville New York 12582

V. STATEMENT OF CLAIM

Place(s) of occurrence: G-Block 1-123

Date(s) of occurrence: JULY 30th 2018 TO august 4th 2018.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

During the institutional lock-down on july30th 2018. The
Facility of Green Haven served cold meals throughout the entire
five day's. no special diet, no Religious diet meals. A direct
violation of plaintiff's guaranted Rights by the United States
Constitution.

Plaintiff is a "RASTAFARIAN" on the 30th of july 2018 at
approximately 12:31pm. An officer approached plaintiff cell with
a lunch tray, plaintiff informed the officer about plaintiff
Religious diet meal, in which the officer replied "i'm just
passing the cold tray's, as far as your religious diet meal
you have to talk to the area sergeant or the higher ups."

Plaintiff requested to talk to a Sergeant. "Captain" Duncan S.
Bey Jr. arrived at plaintiff cell G-1-123. and inquired about why
Plaintiff wanted to talk to a white shirt. Plaintiff informed
Captain, Duncan S. bey Jr. That plaintiff is a "RASTAFARIAN"
and plaintiff Religion prohibit plaintiff from eating "BOLONEY"
and other food that is not prepared according to the " RASTAFARIAN
Religion" Plaintiff proceeded to give " Captain" Duncan S. Bey
Jr. Plaintiff Religious diet card which was approved by the
Green Haven Correctional Facility " Chaplain" and signed by the

Food service " Supervisor" after a careful examination of Plaintiff Religious diet card; " Captain" Duncan S. Bey Jr. stated "this is an institutional lock-down, which mean's you will eat what we give you or dont eat all, it is your choice" Plaintiff didn't eat the entire day of july 30th. the next day on july 31st, at approximately 2:48pm. Plaintiff spoked to Jaime Lamanna, "Superintendent" of Green Haven Correctional Facility,.Plaintiff explained to Mr. Lamanna, the Constitutional violation that taken place right under his authority. Plaintiff

INJURIES: SEE ATTACHED DOCUMENT.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff suffer mental stress, mental anxiety, and mental anguish and among other things.

Religious dicrimination, racial discrimination, racia hate.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Therefore, Plaintiff pray for judgement against the defendants as follow:

1. Order directing defendants to provide an adequate Religious diet meals in Green Haven Correctional Facility.
2. Order directing defendants to refrain from infranging inmates Constitutiona Rights, which are guaranted by the United States.
3. Order directing defendants to refrain from engaging in the same or similar conduct in the future. And award of compensatory and punitive damages in an amount to be determined at trial; and such other and further relief as the Court deems just and proper.

Again provided Mr. Lamanna with plaintiff religious Diet card, and pointed out to him that plaintiff have not ete for the past 31 hours. Mr. Lamanna, proceeded to tell plaintiff that he will look in to the matter.

The same evening, plaintiff spoked to "Shantel K. Elmore." A "Sergeant" in Green Haven Correctional Facility. Plaintiff explained to Ms. Elmore, that plaintiff is a " RASTAFARIAN" who is under the Religious diet meal, and provided " Sergeant" Ms. Elmore, with Plaintiff Religious diet card. (Sergeant) Ms. Elmore stated that she will look into the matter. to no avail.

On august 2nd 2018. at approximately 11:24pm. Plaintiff spoked to (Captain)"Duncan S. Bey Jr. about Plaintiff been denied Religious diet meals since the begining of the institutional lock-down. Mr. Duncan, stated "you eat what we give you "

On august 3rd 2018. Plaintiff wrote a grievance about the Civil Rights violations.

Defendants confined Plaintiff for five day's without religious diet, shower, nor rec. the defendants actions was deliberate reckles, malice and vindictive toward's Plaintiff's Constitutional Rights. Thus, this court should hold these Defendants accountable on the account of their actions.

Plaintiff's Constitutional Rights admit no temperament, and no compromise: any thing withheld from their full demand is so much of fraud and injustice.

The violation of Plaintiff's Civil Rights, let no Government look for security in the lenght of it's continuance, and or in the justice and lenity of it's administration.

thus, this Court should award's Plaintiff what it deems just and proper.

CLAIM OF RELIEF.

Plaintiff repeat and re-alleges the foregoing paragraphs as if fully set forth herein, Plaintiff is Rastafarian, and has been at all relevant times during Plaintiff's detention in Green Haven Correctional Facility. New York State, Policies and Practices, as applied in Green Haven Correctional Facility placed a substantial and unreasonable burden on Plaintiff's sincerely held Religious beliefs in a way not reasonably related to any legitimate penological interest, such that Plaintiff was not able to practice Plaintiff's chosen religion in good conscience.

The Defendant's failing to provide adequate Religious diet meals. accordingly, New York State Policies and practices violated Plaintiff's Civil Rights to the free exercise of one's Religion. Furthermore, because those Policies and practices resulted in a level of treatment of Rastafarians who are incarcerated in Green Haven Correctional Facility far below the level of treatment of other religions. These Policies and Practices as applied here in Green Haven Correctional Facility violated Plaintiff's Civil Rights to the equal protection of laws Defendant, "The State of New York," is liable for each violation of Plaintiff's Civil Rights because each violation resulted from the execution of Official Policies and or Customs of New York State Department of Corrections and Community Supervision which is an agency of the State of New York. Those policies and Customs are reflected in (D.O.C.C.S.) Directive, Command Orders and regular Practices perpetuated at Green Haven Correctional Facility and they are allowed to persist, and they are allowed to persist in other sources.

(2)

Defendant, "Jaime Lamanna," Superintendent of Green Haven Correctional Facility is individually liable for each violation of Plaintiff's Civil Rights because Plaintiff informed Mr. Lamanna verbally and by letter of the violations of Plaintiff's Civil Rights occurring here at Green Haven Correctional Facility. Mr. Lamanna, failed to act on that information or otherwise remedy the wrong. Discovery may reveal further involvement by all defendants.

Defendant, "Melecio Phil," (First deputy Superintendent) is individually liable for each violation of Plaintiff's Civil Rights because as a Commanding Officer of Green Haven Correctional Facility, he is ultimately responsible for the establishment and maintenance of Policies and Practices of This Facility. Plaintiff wrote Mr. Phil, about these violations, all to no avail. A copy of this letter is submitted and annexed as exhibit (F)

Defendant, "Duncan S. Bey Jr.," (Captain) in Green Haven Correctional Facility is individually liable for each violation of Plaintiff's Civil Rights because as Command Officer of Green Haven Correctional Facility and having been informed of these violation by Plaintiff failed to act in any manner whatsoever.

Defendant, "Chantel K. Elmore," (Sergeant) in Green Haven Correctional Facility is individually liable for each violation of Plaintiff's Civil Rights because as a Commanding Officer she is ultimately responsible for the maintenance of Policies and Practices of the Facility.

All of the above-listed Defendants violated Plaintiff's Civil Rights and made an attempt to cover it up by the (I.G.R.C.)

Hearing (Sergeant) who told Plaintiff at the hearing that "Albany signed a document that approved Green Haven Correctional Facility to serve cold meals, no religious diet, no special diet, only KOSHA for the jews is been approved for the duration of the institutional lock-down in Green Haven Correctional Facility." Please refer to exhibits (G, H & I). The steps Plaintiff has taken to obtain this document have been to no avail.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>4-25-2019</u>		<u>BARRY</u>
Dated		Plaintiff's Signature
<u>MAMADOU</u>		<u>BARRY</u>
First Name	Middle Initial	Last Name
<hr/>		
Prison Address		
<u>STORMVILLE</u>	<u>NEW YORK</u>	<u>12582-4000</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 4-25-2019

PLAINTIFF REQUEST JUDGEMENT AGAINST EACH DEFENDANT.

Defendant "THE STATA OF NEW YORK." By failing to properly train its employees, have cause Plaintiff pain and suffering, mental stress, mental anxiety and mental anguish of Religious discrimination, racial distrimination and racial hate. Thus, Plaintiff are entitle to the relief requested herein; in the recovery amount of being \$35.749

DEFENDANT "JAIME LAMANNA."

By failing to properly perform his duties as the (Superintendent.) in Green Haven Correctional Facility. and failing to act on the information that Plaintiff's Constitutional Rights is been violated under his authority, made the defendant " Jaime Lamanna" liable for each violation of Plaintiff's Civil Rights, which cause Plaintiff pain and suffering of mental stress mental anxiety and mental anguish, of Religious discrimination, racial discrimination and racial hate. Thus, Plaintiff are entitle to the relief requested herein; in the amount of being \$16.354

DEFENDANT, " MELECIO PHIL."

By failing to perform his duties as the (First deputy Superintendent) and failing to act on the information that Plaintiff is been denied Religious diet, and have not ate food since the beginning of the lock-down, violated Plaintiff's Civil Rights, which are guaranted by the United States Constatution. these violations cause Plaintiff pain and sufferin

Of mental stress, mental anxiety and mental anguish of Religious discrimination, racial discrimination and racial hate. Thus, Plaintiff are entitle to the relief requested herein, in the recovery amount of being \$13.875

DEFENDANT " DUNCAN S. BEY Jr."

By failing to properly perform his duties as the (Captain) in Green Haven Correctional Facility. and failing to act on the information that Plaintiff is been denied Religious diet and failing to perform his duty violated Plaintiff's Constitutional Rights .

Defendant "Duncan S. Bey Jr." is liable for each violation of Plaintiff Civil Rights, which cause Plaintiff pain and suffering of mental stress, mental anxiety and mental anguish, of Religious discrimination, racial discrimination and racial hate.

Thus, Plaintiff are entitle to the relief requested herein; in the amount of being \$12.987

DEFENDANT " CHANTEL K. ELMORE."

By failing to properly perform her duties as the (Sergeant) in Green Haven Correctional Facility. and failing to act on the information that Plaintiff's Constitutional Rights is been violated by denying Plaintiff Religious diet meals, made Defendant "Chantel K. Elmore." liable for each violation of Plaintiff Civil Rights, which cause Plaintiff pain and suffering of mental stress, mental anxiety and mental anguish, of Religious discrimination, racial discrimination, racial hate. Thus, Plaintiff are entitle to the relief requested herein; in the amount of being \$9.649.

EXHAUSTION OF ADMINISTRATIVE REMEDIES.

Plaintiff has exhausted any and all appropriate Administrative remedies available to Plaintiff, such as the filling of an inmate grievance. see exhibits (A.B,& C.)

JURISDICTION AND VENUE.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1331, because this action is a Civil action arising under the Constitution, laws or treaties of the United States.

This venue is proper in this Court pursuant to 28 U.S.C. 1391, because one or more of the defendant's reside in this district and all defendant's reside in this State. Furthermore, a substantial part of the events or omissions giving rise to this action occurred in this district, and or all of the defendants are subject to this Court personal jurisdiction with respect to this action.

PLAINTIFF PRAYER AND REQUEST.

It is plaintiff respectful request that this Court use it's power's and discretion to appoint an attorney to adequately litigate for Plaintiff in respect to this Civil Rights case, and all what this Court deem just and proper.

EXHIBITS.

- EXHIBIT (A) copy of inmate grievance resolution Committee,
Dated August 13th 2018.
- EXHIBIT (B) copy of consilidation, Dated August 29th 2018.
- EXHIBIT (C) copy of Superintendent decision and appeal to
Central Office review Committee. Dated September
28th 2018.
- EXHIBIT (D) copy of the steps Plaintiff have made to obtain
the sighned document by Albany, Dated December
10th 2018.
- EXHIBIT (E) copy of a letter written by Plaintiff to the
Superintendent, Mr. Lamanna. Dated August 1st 2018.
- EXHIBIT (F) copy of a letter written by Plaintiff to the First
Deputy Superintendent, Mr. Melecio Phil. Dated
August 2nd 2018.
- EXHIBIT (G) copy of Plaintiff letter to F.O.I.L. Dated August
2nd 2018.
- EXHIBIT (H) copy of a response from F.O.I.L. Dated November
7th 2018.
- EXHIBIT (I) copy of a response from F.O.I.L. Dated November
30th 2018.
- EXHIBIT (J) copy of a response from F.O.I.L. Dated February
13th 2019.

12/2016

INMATE GRIEVANCE RESOLUTION COMMITTEE
ACKNOWLEDGEMENT OF RECEIPT

TO: BARRY DIN: 13A1084 LOC: G1 - 123

FROM: IGRC OFFICE: Incident date: _____ Action Request: _____ Signature: _____

CODE: 37 TITLE: Facility Frisk 7/30/18 to 8/4/18 Cold Food, No Special Diet or Religious Meals

This notice is to inform you that your grievance has been received by this office on

8/8. It has been given the log number GH 90061-18 Consolidation **AUG 13 2018**

Your log number, DIN, and cell location must be included on any inquiry made concerning your grievance.

Upon completion of an investigation into your grievance, you will be scheduled for an IGRC hearing. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC will hold a hearing in absentia.

If your grievance is numbered as part of a consolidated issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Directive #4040 701.3(a) *Inmate's Responsibility*. An inmate is encouraged to resolve his complaints through the guidance and counseling unit the program area directly affected, or other existing channels (informal or formal) prior to submitting a grievance. Although a facility may not impose pre-conditions for submission of a grievance, the failure of an inmate to attempt to resolve a problem on his own may result in the dismissal and closing of a grievance at an IGRC hearing.

***Notice of Return: Please resubmit with correction requested.**

Please be advised that your grievance received on _____, is being returned to you via callout for one or more of the following reasons. You will be placed on a callout to meet with an IGRC Inmate Representative to make any necessary corrections.

___ No action request, please indicate one.

___ No incident date noted.

___ No signature

___ Non-grievable per Directive #4040

___ Unable to understand handwriting.

___ Loss/damage of property is addressed by utilizing the claim mechanism in accordance with Directive #2733.

___ Other (as indicated below):

IGP Supervisor Stanaway _____

IGP Supervisor Wonsang _____

Consolidation
 FORM 21312E (REVERSE) (9/12)
Response of IGRC:

Barry
McDonald - 1480053

GH- 40061-18
Code- 37

SPLIT
 2-STAFF agree with investigation
 2-Reps don't agree with clarification, during facility lock-downs
 inmate labor in food service area WERE USED for in cell feeding
 therefore grievants should have been provided dietary meals.

Date Returned to Inmate

8/29/18

IGRC Members:

[Signature]

Chairperson

Jason Hughes

Jt W. Howard
ORC McKnight

Return within 7 calendar days and check appropriate boxes.*

☒ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal.

Signed:

Barry

8-29-18

Date

Jason Hughes
 Grievance Clerk's Receipt

8/29/18

Date


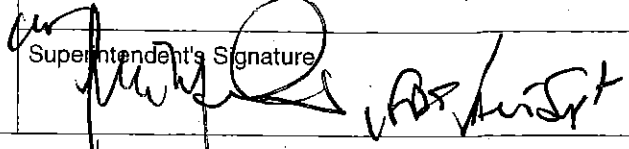
To be completed by Grievance Clerk

Grievance Appealed to the Superintendent:

8/29/18
 Date

Grievance forwarded to the Superintendent for action:

Date

 Corrections and Community Supervision Inmate Grievance Program Green Haven	Grievance Number 90061-18	Date Filed 8/13/2018
	Title FACILITY FRISK 7/30/18 TO 8/4/18 - COLD FOOD, NO DIET OR RELIGIOUS MEALS (consolidation)	Code 37
	Superintendent's Signature 	Date 9/28/18

This is a consolidation of grievants who complain that during a facility wide frisk 7/30/18 to 8/4/18 food was cold, and no special diet or religious meals were served.

According to the investigation Directive 4310 #3 states that emergency situation such as a facility lockdown may necessitate a change in menu, including religious and therapeutic menus, due to shortage of inmate labor in food service area and total in cell feeding. Efforts shall be made to provide meals of same type to meet religious and dietary needs.

*** Grievance is denied only to the extent noted above.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

I DISAGREED WITH THIS DECISION. FIRST, THE FOOD SERVICE INMATE WORKERS WERE LET OUT TO PREPARE FOOD FOR THE POPULATION OF G.H. SO THERE WAS NO SHORTAGE OF INMATE LABOR IN FOOD SERVICE AREA. FURTHERMORE, SERVING COLD BALONEY WITHOUT CHEESE IS NOT A SIGN OF MAKING EFFORTS TO PROVIDE MEALS OF SAME TYPE TO MEET RELIGIOUS & DIETARY NEEDS.

Barry
 Grievant's Signature

10-1-18
 Date

Grievance Clerk's Signature

Date

DOCCS-18-09-269

12-10-18

FOIL APPEALS OFFICER.

I HEREBY APPEAL THE DENIAL OF ACCESS REGARDING MY REQUEST, WHICH WAS MADE ON JULY AND SEND TO "SAMANTHA KOOLEN" RECORDS ACCESS OFFICER. THE RECORDS THAT WERE DENIED INCLUDE "INFORMATION ON WHETHER RELIGIOUS MEALS WERE RESTRICTED DURING THE GREEN HAVEN CORRECTIONAL FACILITY LOCKDOWN ON JULY 30, 2018 TO AUGUST 5TH 2018".

AS REQUIRED BY THE FREEDOM OF INFORMATION LAW, THE HEAD OR GOVERNING BODY OF AN AGENCY, OR WHOMEVER IS DESIGNATED TO DETERMINE APPEALS, IS REQUIRED TO RESPOND WITHIN TEN BUSINESS DAYS OF THE RECEIPT OF AN APPEAL. IF THE RECORDS ARE DENIED ON THIS APPEAL, PLEASE EXPLAIN THE REASONS FOR THE DENIAL FULLY IN WRITING AS REQUIRED BY LAW.

IN ADDITION, PLEASE BE ADVISED THAT THE FREEDOM OF INFORMATION LAW DIRECTS THAT ALL APPEALS AND THE DETERMINATIONS THAT FOLLOW BE SENT TO THE COMMITTEE ON OPEN GOVERNMENT, NEW YORK DEPARTMENT OF STATE, ONE COMMERCE PLAZA, 99 WASHINGTON AVENUE, SUITE 650, ALBANY, NY. 12231.

THANK YOU IN ADVANCE FOR YOUR TIME.

SINCERELY
BARRY

M. BARRY
#13A1084
GREEN HAVEN C.F.
P.O. BOX 4000
STORMVILLE, N.Y. 12582-4000

M. BARRY
13A1084
G-1-123

AUGUST 1st, 2018

DEAR MR. LAMANNA

I TOOK THE TIME TO WRITE YOU THIS MISSIVE
IN REGARDING A VIOLATION OF MY CONSTITUTIONAL RIGHTS
BY GREEN HAVEN CORRECTIONAL FACILITY PERSONALS.
TO BEGIN WITH, I WANT TO REMIND YOU THAT WE SPOKE
ABOUT THIS MATTER YESTERDAY ON YOUR GO AROUND, IN WHICH
YOU STATED THAT YOU WILL LOOK INTO TO IT.
UNDERSTANDING THAT YOU ARE A BUSY MAN. I WANTED TO
SEND YOU THIS MISSIVE TO ASSURE THAT THIS VIOLATION IN
HAND CEASE AS SOON AS POSSIBLE.

I'M A RASTAFARIAN, WHO PRACTICE RASTAFARIAN RELIGION.
AND DUE TO MY RELIGION; I'M ON RELIGIOUS DIE "KOSHA".
SINCE THE INSTITUTIONAL LOCK DOWN, I HAVE NOT BEEN
RECEIVING MY RELIGIOUS "KOSHA" MEALS. KEEP IN MIND THAT
I HAVE NOT ATE SINCE THE BEGINNING OF THE INSTITUTIONAL
LOCK DOWN. OTHER INMATES WITH DIFFERENT RELIGIONS ARE
RECEIVING THEIR RELIGIOUS MEALS.

THUS, IT IS MY RESPECTFUL REQUEST THAT UNDER YOUR
AUTHORITY THAT YOU ORDER THE APPROPRIATE PERSONALS
TO PROVIDE ME WITH MY RELIGIOUS MEALS IMMEDIATELY.
I TRUST THAT THIS MATTER GET RESOLVED UNDER WHAT IS
DEEM PROPER. THANK YOU IN ADVANCE FOR YOUR TIME.

YOURS RESPECTFULLY
BARRY

M. BARRY
13A1084
G-1-123

AUGUST 2ND, 2018

DEAR MR. PHIL.

I'M WRITEN YOU IN REGARDING MY RELIGIOUS "KOSHA" MEALS. SINCE THE BEGINNING OF THIS INSTITUTIONAL LOCK DOWN, I HAVE NOT RECEIVE MY RELIGIOUS "KOSHA" MEALS. EVERY OTHER RELIGIOUS GROUPS ARE RECEIVING THEIR RELIGIOUS MEALS. I'M A RASTAFARIAN WHO PRACTICE RASTAFARIAN RELIGION. I HAVE SPOKEN TO CAPTAIN DUNCAN S. BEY JR, AND THE SUPERINTENDANT ABOUT THIS MATTER. TODAY IS THE FOURTH DAY OF THIS LOCK DOWN, I HAVE NOT ATE SINCE JULY 29TH DUE TO THIS FACILITY PERSONALS REFUSING TO GIVE ME MY RELIGIOUS "KOSHA" MEALS. I HAVE NO FOOD TO EAT.

I'M CONFINED IN A CELL, AND DEPRIVED THE FREEDOM TO PRACTICE MY RELIGION.

I HAVE RELIGIOUS "KOSHA" CARD SIGNED BY THE FOOD SERVICE SUPERVISER AND APPROVED BY THE CHAPLAIN. CAPTAIN DUNCAN BEY JR AND JAIME LAMANNA, THE SUPERINTENDANT HAVE SEEN THIS CARD.

IT IS MY RESPECTFUL REQUEST THAT UNDER YOUR AUTHORITY TO ORDER THE APPROPRIATE PERSONALS TO BRING MY RELIGIOUS "KOSHA" MEALS TO G-1-123. THIS IS AN EMERGENCY AND IT SHOULD BE TREATED AS ONE.

I TRULY THANK YOU FOR YOUR TIME IN ADVANCE.

RESPECTFULLY YOURS
BARRY ✓



Corrections and Community Supervision

November 07, 2018

Barry Mamadou
13A1084
Green Haven CF

DOCCS-18-09-269

Dear Barry Mamadou :

This will acknowledge receipt of your request for records under the Freedom of Information Law received by Department of Corrections and Community Supervision on September 26, 2018.

Your request has been forwarded to the appropriate program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

Samantha Koolen

Samantha Koolen,
Records Access Officer



Corrections and Community Supervision

November 30, 2018

Barry Mamadou
13A1084
Green Haven CF

DOCCS-18-09-269

Dear Barry Mamadou :

You requested the Central Office authorization for a lockdown and search of Green Haven in July and information on whether religious meals were restricted during the lockdown.

After a diligent search, we were unable to locate any records responsive to your request.

If you do not agree with any part of this decision, you may appeal by writing the Office of the Counsel & FOIL Appeals Officer, NYS Department of Corrections and Community Supervision, The Harriman State Campus, 1220 Washington Avenue, Albany, New York, 12226-2050.

In appeal correspondence, please clearly note your name, DIN number, facility from which records were requested, and the FOIL Log Number provided.

Sincerely,

Samantha Koolen

Samantha Koolen,
Records Access Officer



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

February 13, 2019

Mr. Mamadou Barry (13A1084)
Green Haven Correctional Facility
594 Rt. 216
Stormville, New York 12582-0010

Re: FOIL Appeal Log No. A-0015-19

Dear Mr. Barry:

Counsel's Office reviewed your Freedom of Information Law ("FOIL") appeal dated December 10, 2018.

In sum and substance, you requested "information on whether religious meals were restricted during the Green Haven Correctional Facility Lockdown on July 30, 2018 to August 5, 2018. After a diligent search, we were unable to locate any records responsive to your request.

The Department's Freedom of Information regulations require that we provide access to and copies of existing documents with the exception of those exempt for specific reasons. FOIL pertains to "any information kept held, filed, produced or reproduced by, with or for an agency ... in any physical form whatsoever." [Public Officers Law ("POL"), §86 (4).]

Nonetheless, we conducted another search and the Department continues not to have any responsive records. We are not required to create a document if it does not already exist.

Accordingly, your appeal is denied.

Regards,

s/ Michelle L. Liberty

Michelle L. Liberty
FOIL Appeals Officer

MLL:38

cc: Superintendent, Green Haven Correctional Facility
Committee on Open Government
Central Office FOIL
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